

SCOTTSDALE TRANSPORTATION COMMISSION REPORT



To: Transportation Commission
From: Susan Conklu, Transportation Planner
Subject: Hidden Hills Public Bicycle and Non-Motorized Access Easement
Meeting Date: November 17, 2011

ITEM IN BRIEF

Action: Information and Possible Action

Purpose:

Provide information related to the Hidden Hills of Scottsdale Community Association's request to suspend the public bicycle and non-motorized access easement on 145th Way in Hidden Hills until a connection in Fountain Hills is built.

Current Status:

On October 11th, 2011 staff discovered an ingress/egress easement on the private property owned by MCO Properties in Fountain Hills. This easement was dedicated to the City of Scottsdale in 2000 for emergency services and refuse collection vehicular access, pedestrian, bicycle and non-motorized public access, and temporary public vehicular access. The City of Scottsdale currently holds the rights to this easement for the uses listed in the dedication.

Staff presented the request for temporary suspension to the Transportation Commission on October 20, 2011 and requested members respond.

Transportation Commission Motion:

Commissioner Maxwell moved to adopt the motion as recommended by the Trails Subcommittee at their October 6th Trails Subcommittee Meeting that the non-motorized vehicle access easement be suspended temporarily until such time as connectivity to Fountain Hills can be obtained, or until the Transportation Commission and/or City Council determine that other circumstances warrant an earlier reinstatement of the easement. Additionally, it is requested that an agreement be signed by the Hidden Hills Homeowners' Association committing to support reinstatement of the easement under the conditions as stated.

Vice Chair Gruver seconded. The motion was opposed by Commissioners Holley, Olmsted, and Ward. The motion failed three (3) to three (3).

Transportation Commission Motion:

Commissioner Olmsted moved to table this item for further discussion at the next meeting until staff has had an opportunity to evaluate the new easement information from Fountain Hills and come back with other possible alternatives.

Commissioner Holley seconded. The motion was opposed by Vice Chair Gruver and Chair Weiss. The motion was approved four (4) to two (2).

On November 1, 2011 Transportation staff met with staff from Fountain Hills and a representative from MCO Properties to discuss the ingress/egress easement and MCO's plans for developing Adero Canyon, formerly Eagle Ridge North.

Vegetation salvage in Adero Canyon is planned in the next one to two years, with other development planned in three to five years. This timeline is subject to advance or delay, depending on market conditions. MCO has a preliminary plat showing the future Eagle Ridge Drive alignment within the ingress/egress easement, but a portion of the future road between Eagle Ridge and 145th Way is not within the easement. Construction of the connection will require dedication of a new easement to match the location of the future road as shown on the preliminary plat. Presently there is an overhead power line near the easement, parallel to the existing Eagle Ridge Drive roadway that will be buried in the future. Any road construction must not impact the power line. The MCO representative expressed concern about motor vehicles accessing the property from Eagle Ridge Drive or 145th Way if a non-motorized connection is built before the other development of the site. This could be mitigated by modifying part of the existing gate on Eagle Ridge Drive with a bollard to allow non-motorized access as well as adding a new gate and signage north of the easement to block all public access. Any connection on the easement must accommodate fire trucks, per Fountain Hills, as well as bicycles. The cost estimate to build this connection is \$250,000.

As a possible alternative connection, City staff gathered a cost estimate to build a paved path in the wash east of 145th Way. This would require significant grading and native vegetation salvage. The cost estimate is \$1.7 million not including the cost of native plant inventory or salvage.

A joint project with Fountain Hills is planned for a paved shared-use path and sidewalk on the south side of Shea Boulevard from 142nd Street to the Scottsdale/Fountain Hills boundary. The planned path will connect an existing City of Scottsdale path to existing bike lanes and a sidewalk in Fountain Hills. This project will be funded with a federal grant. This project was delayed by the Fountain Hills Town Council on November 3, 2011 so the timeline for design and construction is unknown.

Key Considerations:

145th Way is a private street with a public bicycle and non-motorized access easement. The roadway meets minimum City of Scottsdale design standards for a Local Residential Street. The adjacent property to the north of Hidden Hills is private, within the Town of Fountain Hills, and has an ingress/egress easement dedicated to the City of Scottsdale. No public access has been constructed on the private property between Hidden Hills and Eagle Ridge Drive. The Town of Fountain Hills supports the future connection and will acquire any necessary bike/pedestrian easements for public access when that property is developed.

While Arizona State law does not give local law enforcement agencies the power to enforce civil traffic violations on private property, a local Scottsdale ordinance, Sec. 17-83 states: "No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing." Staff from both Transportation and Police believe that this ordinance is too vague to use on 145th Way and other private streets.

Many cyclists have expressed concern about the City's ability to reopen the easement if it is temporarily closed. As long as the easement is not released or abandoned, it belongs to the City, and the City can open it at any time. The City holds many roadway, path, and trail easements that are not currently open to the public. Access will be provided to those areas once the appropriate facilities are built.

Previously Supplied Information:

The public bicycle and non-motorized access easement through Hidden Hills was established in 2000 to provide a bicycle and pedestrian connection from the intersection of Via Linda and 145th Way to the Town of Fountain Hills. The need for this connection was created when the City Council, on April 18, 2000, approved General Plan Case 2-GP-2000 amending the Circulation Element to delete Via Linda as a Major Collector Street from 136th Street to Eagle Ridge Drive. The full elimination of the Via Linda alignment east of its intersection with 145th Way left 145th Way, which is a less direct route, as the only viable option to make a paved connection to Fountain Hills, due to significant topographic constraints.

In 2002 construction began on the residential areas of Hidden Hills Phase II, on streets that intersect 145th Way. Occupation of the homes did not begin until late 2003-early 2004.

Near the end of 2004 the HOA contacted the City asking for an abandonment of the public bicycle and non-motorized access easement. Their concerns were primarily related to speeding, large groups collecting at the top of the hill in the cul-de-sac, rude behavior, and individuals urinating in the desert behind their walls. In 2005, City staff met with many cyclists and were successful in modifying much of the behavior issues. By the end of 2005 the majority of homes had been constructed in the neighborhood.

In November 2007, representatives of the Hidden Hills of Scottsdale Community Association presented the Scottsdale Transportation Commission with their concerns about the increasing number of cyclists using 145th Way and the safety issues associated with speeding cyclists. They submitted a petition requesting that the city eliminate the easement. In early 2008 Staff worked with the residents and came to an agreement with them to provide a grant of \$70,000 to install traffic calming devices on 145th Way, which was approved by City Council. Staff and Community members continued to meet with local cyclists to discuss the neighbors' concerns during this period and discuss the traffic calming devices.

Each time the HOA requested a permanent release of the easement, and the City denied these requests. We have continued working with the HOA to address their concerns and reach out to cyclists.

In spring of 2011 the HOA contacted city staff requested that we temporarily close the easement on 145th Way until the connection is made to Fountain Hills. The HOA stated that the speed humps have been ineffective and cyclists continue to exceed 20 MPH.

The City can choose to temporarily close the easement to bicycles. If this happens, the Hidden Hills community association would be allowed to block public bicycle access through their gates until the connection in Fountain Hills is constructed. This would not impact pedestrian access on the sidewalk along 145th Way. It would have no impact on access to the Sunrise Trailhead or the trail in the wash to the east of 145th Way.

City staff began outreach to cycling groups on the latest issues in May 2011. This item was presented to the Trails Subcommittee in May and they recommended getting more public input before they met again.

A public open house was held from 6 to 7:30 p.m. Sept. 22, 2011 at the Via Linda Senior Center with 74 people signing in. The open house was publicized by email blasts to cycling distribution lists and Hidden Hills of Scottsdale Community Association, Scottsdale Update, city web site and signs posted on site. Additionally, two articles have appeared in the Arizona Republic on Sept. 20 and Sept. 26.

Written comments have been received both in favor of suspending the easement and against suspending access. Comments in favor of suspending access cite concerns regarding:

- Cyclists' speed
- Bicyclists being rude and disrespectful to neighbors
- There are high numbers of riders, some in large groups
- Liability and safety concerns
- The original purpose of the easement is not currently being met

Comments to keep the access open include:

- The majority of cyclists are being respectful
- It's a safe place to ride with low car traffic
- Alternative solutions such as striping and larger signage to remind cyclists of the speed limit
- Continued outreach and education is needed
- Even a temporary closure of the easement will become permanent

Staff presented an update to the Trails Subcommittee on October 6, 2011 and asked the members to make a recommendation to the Transportation Commission. During the meeting, seven people gave verbal public comments and one person filled out a comment card but did not wish to speak.

Subcommittee Motion:

Subcommittee Member Whitehead moved that the Trails Subcommittee recommend to the Transportation Commission that the non-motorized vehicle access easement be suspended temporarily until such time as connectivity to Fountain Hills can be obtained, or until the Transportation Commission and/or City Council determine that other circumstances warrant an earlier reinstatement of the easement.

Additionally, it is requested that an agreement be signed by the Hidden Hills Homeowners' Association committing to support reinstatement of the easement under the conditions as stated.

Commissioner Gruver seconded. The motion carried unanimously four (4) to zero (0).

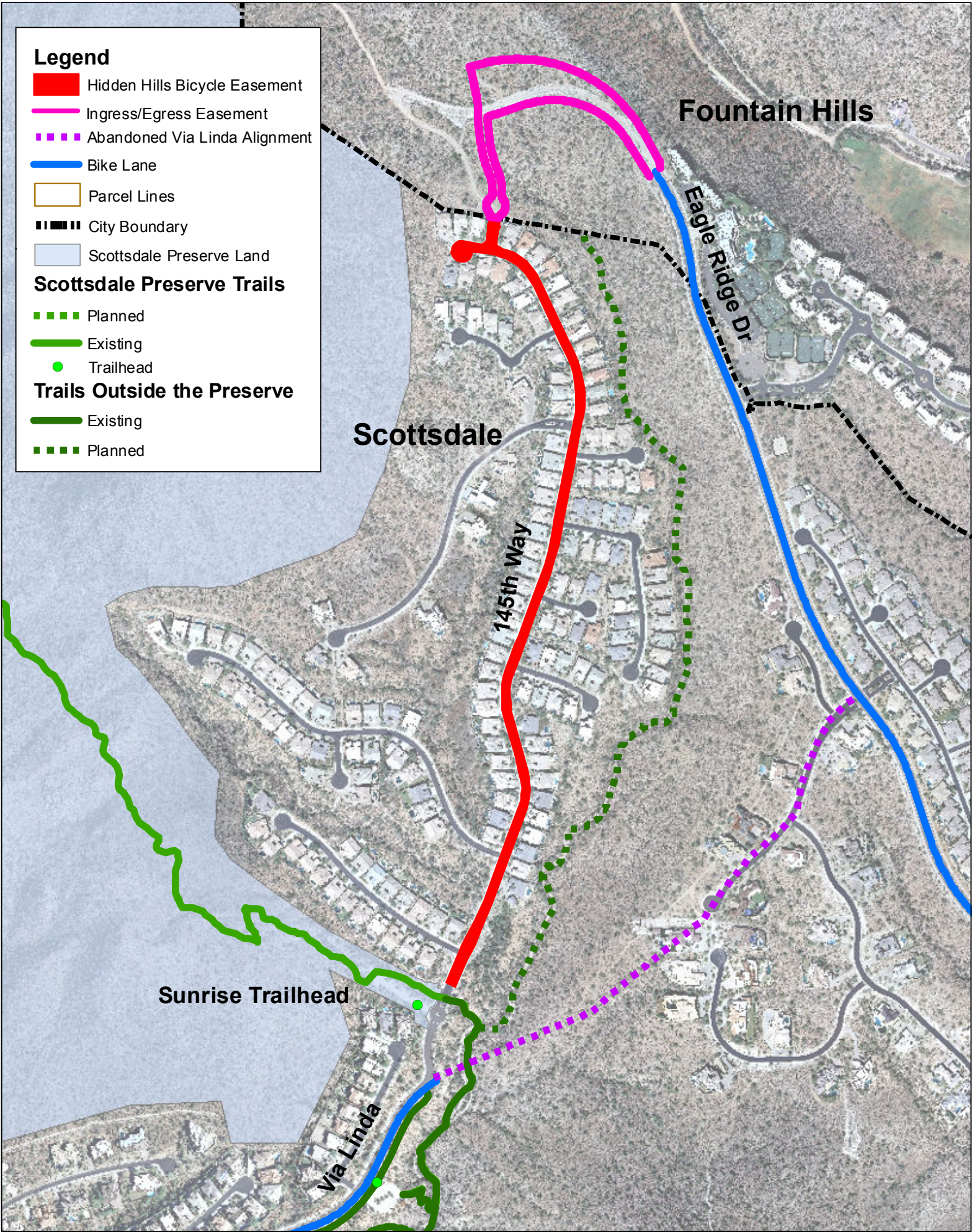
Attachments: 1. Aerial Map of MCO Property with Ingress/Egress Easement
 2. Preliminary Plat Map with Future Roadway Alignments

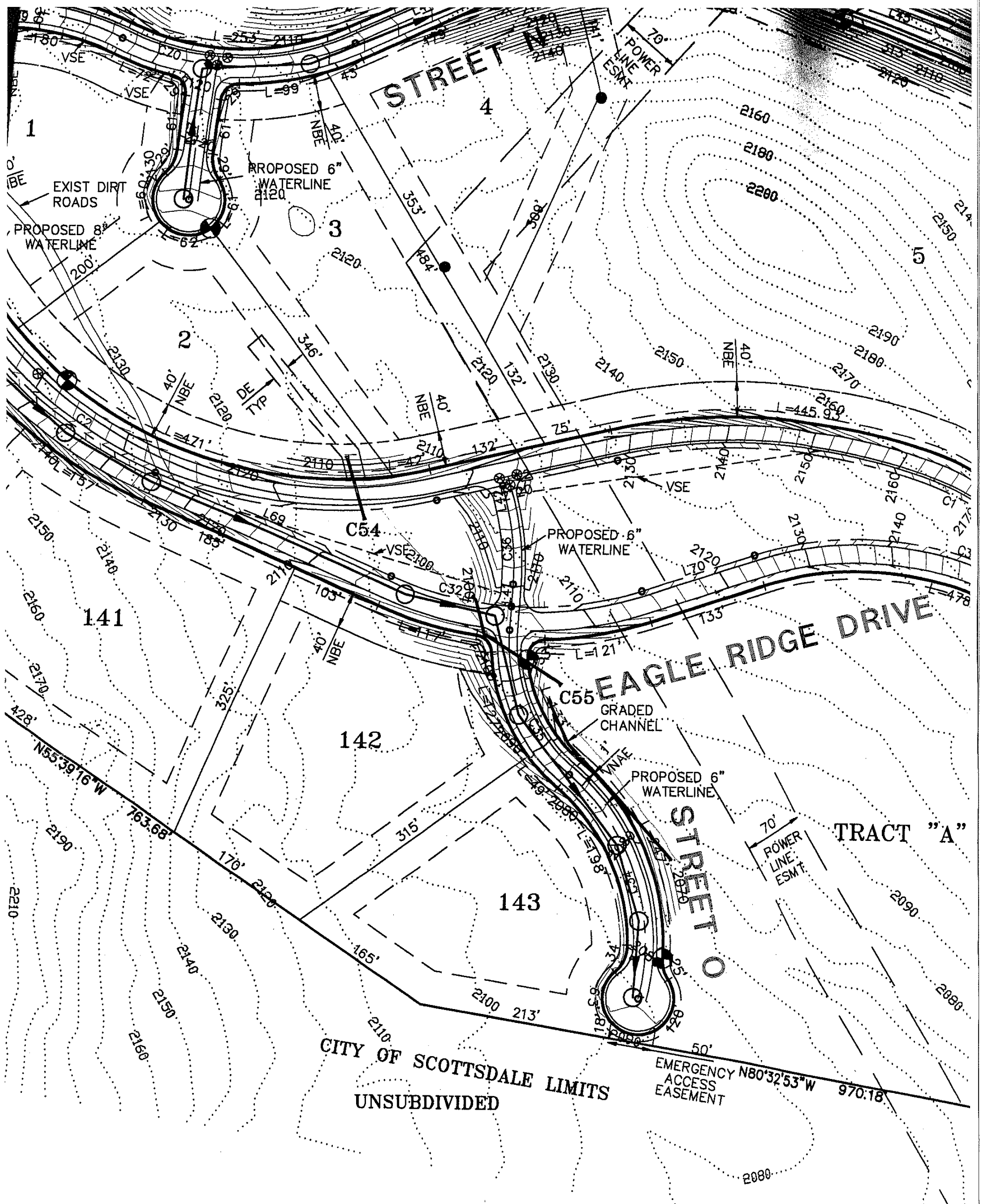
Staff Contacts:

Susan Conklu, 480-312-2308, sconklu@scottsdaleaz.gov

Reed Kempton, 480-312-7630, rkempton@scottsdaleaz.gov;

Attachment 1







Hidden Hills Public Bicycle & Non-Motorized Access Easement

Transportation Commission

November 17, 2011



Hidden Hills Bicycle Easement

Motion from Transportation Commission October 20, 2011 meeting:

FAILED 3-3; Commissioner Maxwell moved to adopt the motion as recommended by the Trails Subcommittee at their October 6th Trails Subcommittee Meeting that the non-motorized vehicle access easement be suspended temporarily until such time as connectivity to Fountain Hills can be obtained, or until the Transportation Commission and/or City Council determine that other circumstances warrant an earlier reinstatement of the easement. Additionally, it is requested that an agreement be signed by the Hidden Hills Homeowners' Association committing to support reinstatement of the easement under the conditions as stated.

Vice Chair Gruver seconded. The motion was opposed by Commissioners Holley, Olmsted, and Ward.

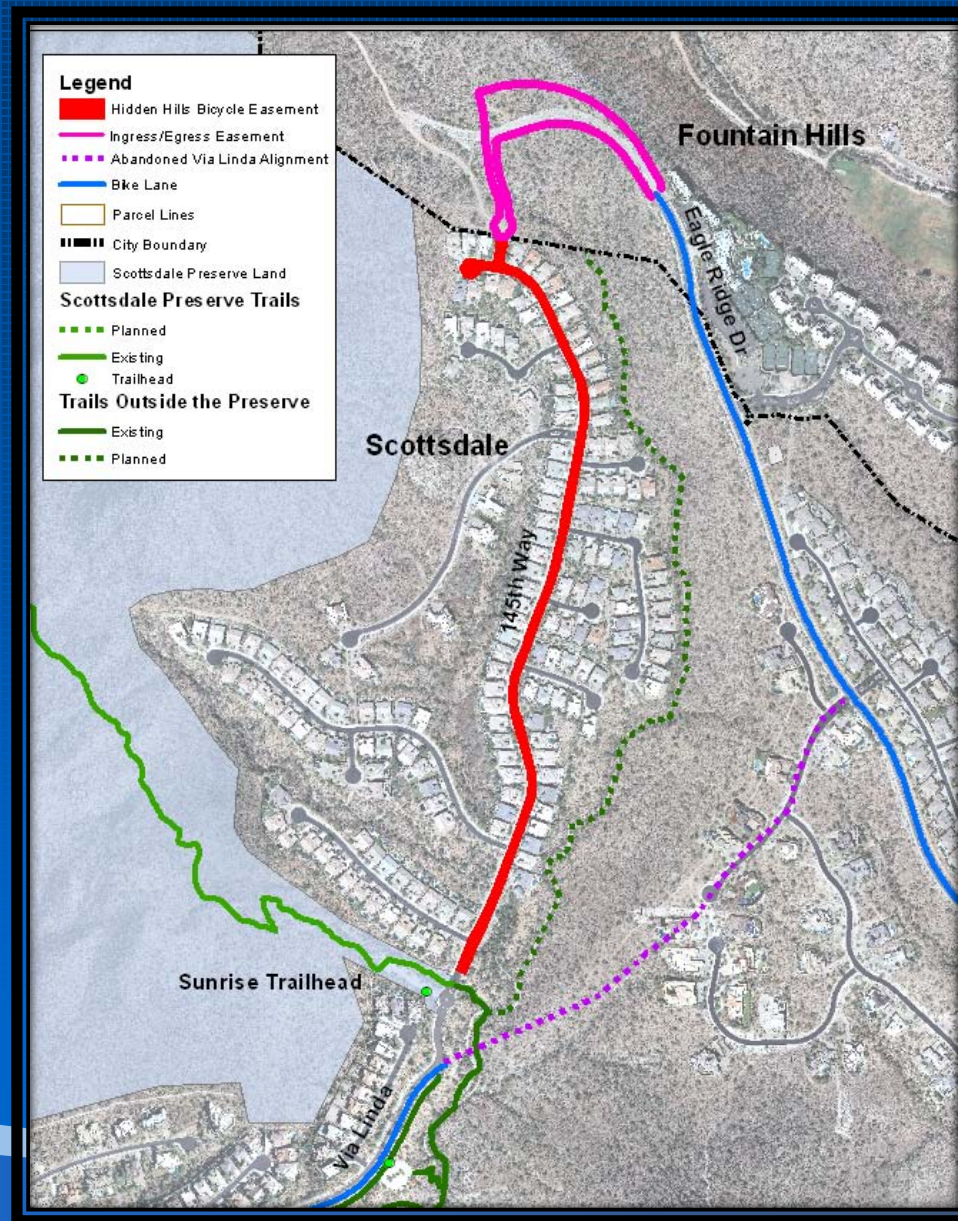
Hidden Hills Bicycle Easement

Motion from Transportation Commission October 20, 2011 meeting:

APPROVED 4-2; Commissioner Olmsted moved to table this item for further discussion at the next meeting until staff has had an opportunity to evaluate the new easement information from Fountain Hills and come back with other possible alternatives.

Commissioner Holley seconded. The motion was opposed by Vice Chair Gruver and Chair Weiss.

Hidden Hills Bicycle Easement

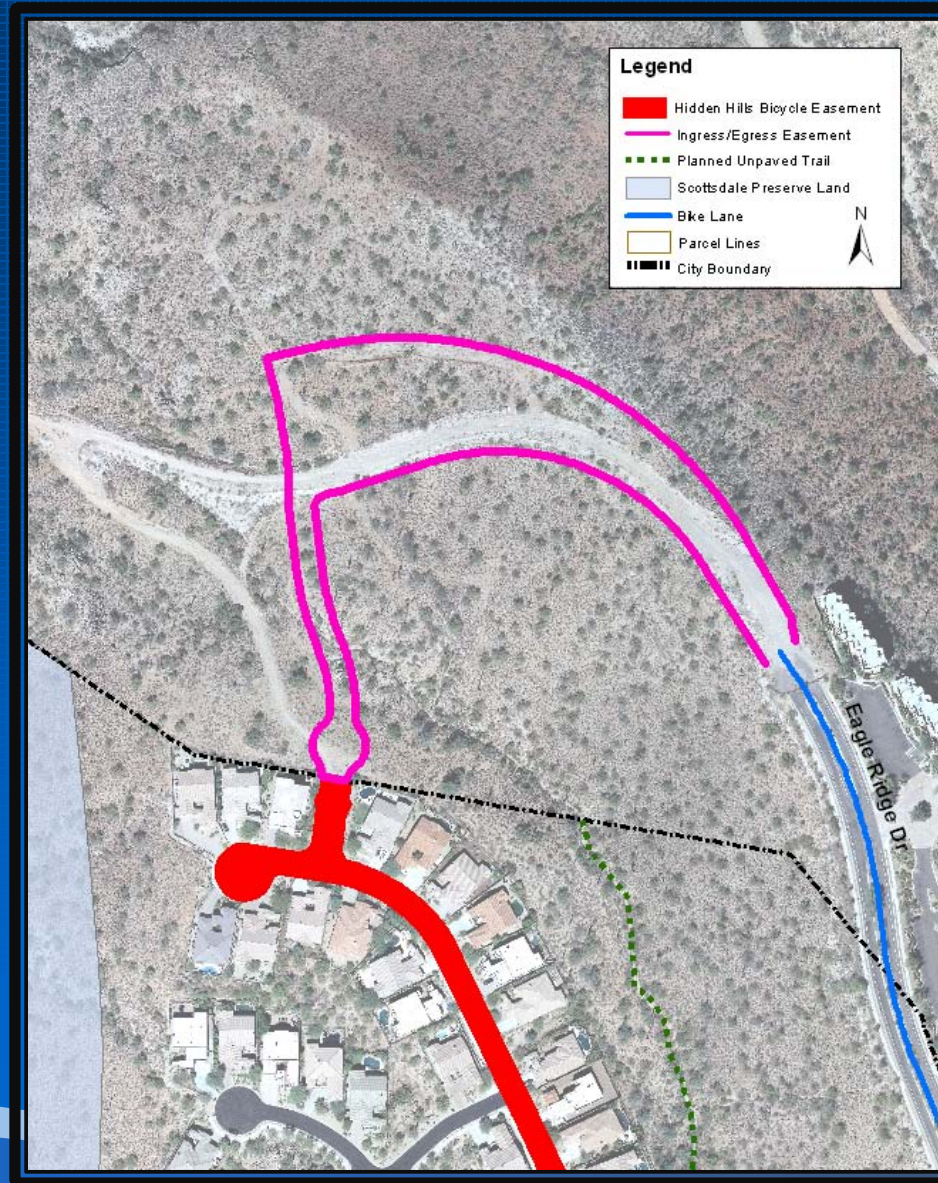


Hidden Hills Bicycle Easement

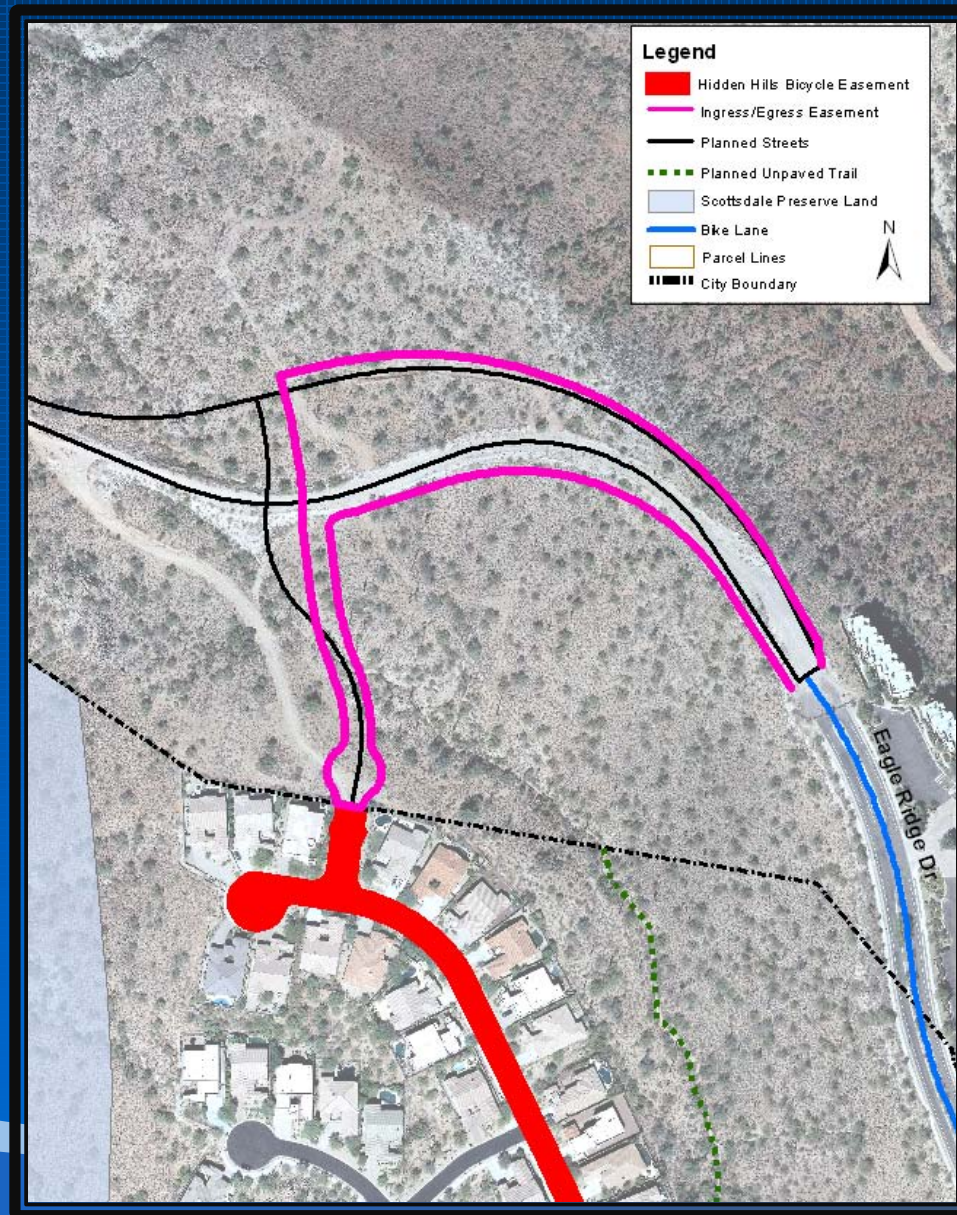
Easement in Fountain Hills on MCO property

- Dedicated to the City of Scottsdale in 2000 for emergency services and refuse collection vehicular access, pedestrian, bicycle and non-motorized public access, and temporary public vehicular access.
- Remains in place for use by the City of Scottsdale

Hidden Hills Bicycle Easement



Hidden Hills Bicycle Easement



Hidden Hills Bicycle Easement

MCO Properties' plans for Adero Canyon

- Vegetation salvage in 1-2 years
- Overhead power line will be buried
- Other development in 3-5 years
- Eagle Ridge Drive and road connecting to 145th Way will be constructed to meet Fountain Hills requirements and dedicated as public streets
- Market conditions may advance or delay this timeframe

Hidden Hills Bicycle Easement

Connection Options

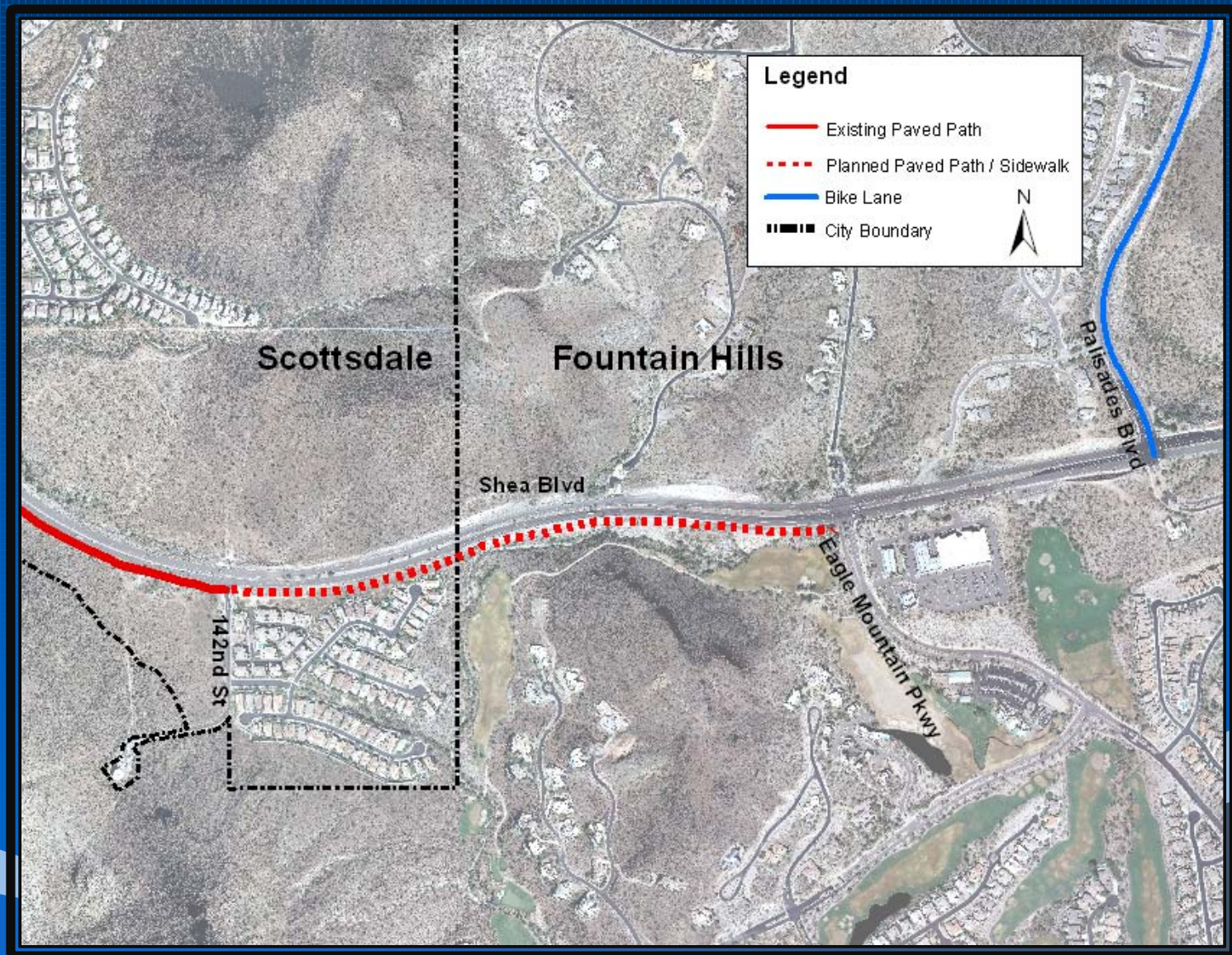
- Within existing easement:
 - Must accommodate fire trucks, per Fountain Hills
 - Must not impact overhead power line
 - Gates will need to be modified and added to restrict access
 - \$250,000
- In wash east of 145th Way:
 - \$1.7 million
 - Does not include cost of native plant inventory or salvage

Hidden Hills Bicycle Easement

Connection Options

- Shea Boulevard from 142nd Street to Eagle Mountain Parkway (city boundary)
- Joint project with Fountain Hills
- Planned path and sidewalk on the south side of Shea
- Will connect existing path in Scottsdale to existing bike lanes and sidewalk in Fountain Hills
- Federal grant funding
- Timeline unknown - Fountain Hills Town Council recently delayed this project

Hidden Hills Bicycle Easement



Hidden Hills Bicycle Easement

- 145th Way is a private street with public bicycle and non-motorized access easement
- Meets minimum City of Scottsdale design standards for a Local Residential Street
- Adjacent property to the north is private, with COS ingress/egress easement, and has no public access constructed
- MCO plans development in 3-5 years
- Town of Fountain Hills supports connection and will acquire necessary bike/ped public access easement when property is developed

- Discussion